CF0000058448

C.R.A. 1147/95 (2)

50000-1-79

APPEAL OF PRISONER

Division Bench (Criminal)

No. 632 Name अच्छूराम

Father's name हीरूराम

Residence ग्राम-पड़ोपारा खेड़का थाना-कोरबा पुलिस जिला-कोरबा Age 48 वर्ष

Sentenced to आजीवन on 12.6.95

Under section 302 IPC by अपर सत्र न्यायाधीश कोरबा

it is explained to the prisoner that if he states he wishes to be represented be a legal practitioner the Appelate Court will not proceed with the base for seven days unless the legal practitioner appears either. If the legal practitioner does not appear with in seven days he may not be heard at all If the prisoner states that he does not wish to be represented by legal practitioner the court may proceed at once wish the case and wil not be obligod to give a hearing to any legal practitioner who should appear.

1 Date of Application for copy of Judgement 12.6.95

2 Date of which copy received 19.6.95

3 Date on which Appeal sent 20.6.95

4 Whether the prisoner wishes to be represented or not yes/No.

No. 632 Name अच्छूराम पि० दानूराम

Continued in जिला जेल Jail पेन्ड्रा रोड जगदलपुर.

No. 454 dated 20.6.95 19

Forwarded to the Deputy ~~Commissioner~~ माननीय मुख्य न्यायिक दण्डाधिकारी जगदलपुर (अपील के लिये जजमेंट सेनजन)

to gather which a copy of judgement or order passed in the case for favour of ~~en~~semission to the proper Appellate Court,

Superintendent जेल Jail

Date of receipt in Deputy Commissioner's Office (CJM's Court) 26.6.95

Date of receipt of record to accompany Memo of Appeal of the Appeliate Court.

No. 59 dated 28/6/95 197

Forwarded to the H'ble Dist. and Sessions Judge Jagdalpur

Deputy Commissioner

Date of receipt in Appeliate Court

P.T.O.

(12)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr. A. No. 1147/95 वन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH
HON'BLE SHRI L.C.BHADOO, J
& HON'BLE SHRI DHIRENDRA MISHRA, J

Criminal Appeal No. 1147 of 1995

Appellant : **Lachhuram**

Vs.

Respondent : **The State of Madhya Pradesh**

Smt. Usha Chandrakar, learned counsel for the appellant.
Shri Alok Bakshi, learned G.A. for the State/respondent.

ORAL JUDGMENT
(Delivered on 20th January 2006)

L.C.Bhadoo, J.

By this appeal the accused/appellant has questioned the legality of judgment of conviction and order of sentence dated 12/06/95 passed by learned Additional Sessions Judge, Kanker in Sessions Trial No. 409/1993 whereby the learned Additional Sessions Judge after holding the accused/appellant guilty for the commission of the murder of his wife Somari Bai convicted him under Section 302 of the IPC and sentenced him to undergo imprisonment for life.

2. The brief case of the prosecution is that P.W.1 Lalaram lodged a report (Ex.P.1) in the police station Narayanpur on 18.04.93 at 15.15 p.m. to the effect that accused Lachhuram came to his house on 18.04.93 in the morning at about 7.00-8.00 a.m. and informed him that a day before

[पीछे देखिये

(13)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A.No.1147/95 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

thereto he had murdered Somari Bai by pressing the neck (throttling). On hearing this, he went to the house of Lachhuram and saw that Somari Bai was lying in the parchhi. Thereafter he went to the Sarpanch, Chamru Ram (P.W.2) and informed him about the incident and thereafter about 10 persons came to see the place of occurrence where the body of the wife of accused, Somari Bai was lying and on this report, S.H.O. after registering the case left for the scene of occurrence and prepared panchnama of the body (Ex.P-4) after giving notice (Ex.P-3) to the panchas and the accused was arrested (Ex.P-5). The body was sent for post mortem examination to Primary Health Centre, Narayanpur where Dr. V.K.Jain conducted the post mortem and prepared the post mortem report (Ex.P-6). The site plan of the place of occurrence (P-8) was prepared by Patwari and after completion of the investigation charge sheet was filed in the Court of Additional Chief Judicial Magistrate, Bhanupratappur who in turn committed the case to Sessions Judge, Bastar from where the learned Sessions Judge received the case on transfer for trial.

3. The prosecution in order to establish the charge of the accused examined six witnesses. The statement of the accused was also recorded under Section 313 of the Cr.P.C. in which he denied the prosecution evidence appearing against him and stated that he has been falsely implicated in the crime.

4. Learned Additional Sessions Judge after hearing the Additional Public Prosecutor and counsel for the accused/appellant has convicted and sentenced the accused as mentioned in paragraph 1 of this judgment.

[पीछे देखिये

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A.No.1147/95 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
5.	The homicidal nature of death of Somari Bai is not in dispute.	
6.	The whole case rests on the extra judicial confession made by the accused before P.W.1 Lalaram, P.W. 2 Chamru Ram, P.W. 3 Katti Ram and P.W.4 Somaru Ram. In order to place the reliance on extra judicial confession the Court has to ascertain that the same was voluntary, true and prompt.	
7.	P.W.1 Lalaram has stated that Somari Bai was his sister in relation. One day, in the morning accused went to his house and informed that he has murdered his wife and asked Lalaram, to come and see her but he refused. On this accused/appellant again went and requested him on which he went to the house of accused and saw the dead body of Somari Bai lying in the parchhi. Thereafter he informed the Sarpanch of the village Chamru Ram who along with some villagers went to the house of accused Lachhuram and saw the body of Somari Bai lying in the parchhi. On enquiry by the Sarpanch, the accused/appellant made extra judicial confession that a day before thereto he along with his wife Somari Bai consumed liquor and thereafter they had a quarrel and during the quarrel, he pressed the neck (throttled) and murdered his wife and he lodged the report (Ex.P-1).	
8.	The above evidence of Lalaram is corroborated by P.W.2 Chamru Ram Sarpanch of the village who has also stated that accused made extra judicial confession regarding the commission of murder of his wife. P.W.3 Katti Ram & P.W.4 Somaru Ram has also corroborated the above evidence.	

[पीछे देखिये

(12)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A.No. 1147/95 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
9.	In the cross examination, the defence has not elicited anything which makes the evidence of these witnesses unreliable or untrustworthy. It is established from the above evidence that the extra judicial confession by the accused was voluntary true and prompt. This extra judicial confession lends corroboration from the medical evidence of P.W.5 Dr.V.K.Jain who conducted the post mortem report on the body of Somari Bai and stated that the cause of death was asphyxia due to suffocation. The FIR was also lodged very promptly. Apart from that the body of the wife of the accused/appellant was found in the house of accused itself and as per the medical evidence she died on account of asphyxia and the accused has not offered any explanation about his absence from the house or committing the murder of his wife by anyone lese. His simple explanation is that he has been falsely implicated in the crime.	
10.	In view of the above circumstances, the extra judicial confession made by the accused and the statement of the witnesses corroborated, we are of the considered opinion that the finding of the trial Court convicting the accused/appellant for committing the murder of his wife is based on legal evidence and there is no infirmity or illegality in the judgment of the trial Court. In the result, we do not find any substance in this appeal and the same is liable to be dismissed. It is accordingly dismissed.	
	Sd/- **L.C. Bhadoo** **Judge**	**Sd/-** **Dhirendra Mishra** **Judge**

[पीछे देखिये